

**UNITED STATES DISTRICT COURT
for the WESTERN DISTRICT OF NORTH CAROLINA
3:04cv92**

Carrie Boggess,
Plaintiff,

:
vs. :
:

Jeff Roper, et al.,
Defendants.

Clerk's Stay of Costs

This matter is before the Clerk on the “Bill of Costs” filed by Defendants on February 21, 2008, and a supplemental “Bill of Costs” filed on March 6, 2008.

Plaintiff has not filed any objections to these “Bill of Costs”.

Plaintiff appealed this matter to the Fourth Circuit Court of Appeals on March 13, 2008.

The Clerk will not consider the awarding of costs at this time as Local Civil Rule 54.1 requires the prevailing party to request such consideration after the appeal is terminated. This local rule states in pertinent part:

LCvR 54.1 Taxation of Costs Other Than Attorneys' Fees.

(A) Filing Bill of Costs. A prevailing party may request the Clerk of Court to tax allowable costs, other than attorneys' fees, in a civil action as part of a judgment or decree by electronically filing a bill of costs on a form available from the Clerk of Court, within (30) days after:
(2) receipt by the Clerk of Court of the mandate or other Order terminating the action on appeal.

Local Civil Rule 54.1(A)(2).

THEREFORE, the “Bill of Costs” filed by Defendants are **STAYED** until such time as the Clerk receives the mandate or other Order terminating this matter on appeal. **FURTHER, IT IS HEREBY ORDERED** that Plaintiff shall have ten (10) days from the date of such mandate or Order to file any objections to the specific costs being requested by the Defendants in their “Bill of Costs”. Within five (5) days thereafter, Defendants may file a response with brief to any filed objections in accordance with LcvR 54.1(D).

Signed: March 27, 2008

Frank G. Johns

Frank G. Johns, Clerk
United States District Court

